

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No 99-CV-1105
)	(DWF/AVB)
METROPOLITAN COUNCIL,)	
)	
Defendant.)	
_____)	

NOTICE OF LODGING OF CONSENT DECREE AMENDMENT

Plaintiff, the United States of America (the "United States"), and Defendant Metropolitan Council ("Met") hereby lodge with the Court the attached proposed Amended Appendix C to the Consent Decree previously approved and entered in this case. The Court entered an Order on February 6, 2001, approving the existing Consent Decree, and signed that Consent Decree on March 16, 2001. By agreement between the United States and Met, the proposed Amended Appendix C would describe a modified Supplemental Environmental Project to be performed by Met under the Consent Decree. No other terms of the Consent Decree would change.

The existing Appendix C to the Consent Decree requires that Met expend at least \$1.6 million for a Supplemental Environmental Project to add a dry electrostatic precipitator to the air pollution control train of one of the new fluidized bed incinerators to be installed at Met's wastewater treatment plant in St. Paul.

Since the Court's approval of the Consent Decree, Met and its technical consultants have done additional engineering analyses, and have determined that alternative air pollution control

equipment could be installed as an improved substitute Supplemental Environmental Project, at comparable cost. Compared with the dry electrostatic precipitator technology outlined in the original Appendix C, Met and its technical consultants believe that the fabric filter technology outlined in the Amended Appendix C would result in increased removal of key pollutants, including particulate matter and mercury. Met and its consultants estimate that the total cost of the fabric filter technology would exceed \$1.6 million, and would be approximately the same as the cost of a dry electrostatic precipitator. Based on its review of the information provided by Met, the Environmental Protection Agency agrees that the substitute Supplemental Environmental Project is appropriate.

The United States will publish notice of the lodging of this proposed Consent Decree Amendment in the Federal Register to commence a thirty (30)-day public comment period. The Court should not approve the proposed Consent Decree Amendment until the public has had an opportunity to comment and the United States has addressed those comments, if any. The United States may withhold its consent to the proposed Consent Decree Amendment if the comments disclose facts or considerations that which indicate that the proposed Amendment is improper, inappropriate, inadequate, or not in the public interest. At the conclusion of the public comment period, the United States will: (i) file with the Court any written comments that it received pertaining to the proposed Amendment; and (ii) either notify the Court of its withdrawal of the proposed Amendment, or respond to comments received and request this Court to approve the proposed Amendment.

The Court has jurisdiction to consider and approve the proposed Consent Decree Amendment. Paragraph 72 of the Consent Decree provided that the "Court shall retain jurisdiction of this matter until further order of the Court or until termination of this Consent

Decree." The Consent Decree has not been terminated.

Respectfully submitted,

FOR THE UNITED STATES

JOHN C. CRUDEN

Acting Assistant Attorney General

Environment and Natural Resources Division

Date: August 28, 2001

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FOR METROPOLITAN COUNCIL

Date: 9/3/01

A handwritten signature in dark ink, appearing to read 'R. E. Cattanch', written over a horizontal line.

Robert E. Cattanch
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AMENDED APPENDIX C

United States v. Metropolitan Council

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Met Council proposes to add a fabric filter ("FF") to the air pollution control train of one of the new fluidized bed incinerators at the Met WWTP.

A base air pollution control train comprised of a wet scrubber followed by a wet electrostatic precipitator ("ESP") is required for removing particulate matter (both PM and PM-10) from the flue gases emitted from a fluidized bed incinerator. The wet scrubber will primarily remove PM/PM10 and acid gases while the wet ESP will remove particulate matter and the heavy metals that exist as condensable oxides and salts. The FF will be added ahead of the wet scrubber in the air pollution control train to provide enhanced particulate removal.

In the FF, flue gas is passed through a fabric, causing PM to be collected on the fabric by sieving or other mechanisms. During operation, a dust cake also forms on the filter from the collected PM and significantly increases collection efficiency. Particles are collected on the fabric and drop into a hopper below the unit. Pulse-jet cleaning with a short burst of high pressure air also is used to dislodge the dust cake from the fabric.

This SEP will result in a significant net environmental benefit. The FF will result in a significant additional reduction in PM/PM-10 emissions from the incinerator. While the actual reduction will vary depending on actual sludge throughput in the incinerator, the maximum additional reduction is projected to be approximately 3.5 tons of PM/PM-10 per year, based on design capacity. The combination of the FF and the wet scrubber/wet ESP effectively will achieve among the highest level of PM/PM-10 emissions reduction feasible. The FF will also achieve enhanced mercury removal.

The FF will be installed in conjunction with the construction of the fluidized bed incinerator. The FF will be operational at the startup of the incinerator. The estimated cost of adding the FF to an incinerator air pollution control train is in excess of \$1.6 million (as measured by 1998 dollars).

Met Council hereby represents that the FF is not required by NSPS regulations or Minnesota SIP performance requirements.